

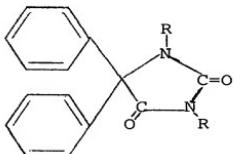
B¹
cont'd

wherein each R is hydrogen or $-\text{CH}(\text{R}_1)-\text{X}-\text{P}(\text{O})(\text{OH})_2$, R_1 is hydrogen or C_1-C_7 straight or branched chain alkyl, and X is O or S, with the proviso that both R's cannot simultaneously be hydrogen.--

IN THE CLAIMS:

Kindly cancel the record Claim 1, without prejudice or disclaimer, and substitute therefor the following new Claims 24 to 30:

~~24.~~ A 5,5-diphenylhydantoin compound having the structural formula:



D
D
B2

wherein each R is independently selected from the group consisting of hydrogen and $-\text{CH}(\text{R}_1)-\text{X}-\text{P}(\text{O})(\text{OH})_2$, wherein R_1 is selected from the group consisting of hydrogen and C_1-C_7 straight or branched chain alkyl; ~~X is O or S~~; with the proviso that the R's cannot simultaneously be hydrogen; or the pharmaceutically acceptable acid addition or basic salts, C_1-C_4 alkylhalide quaternary salts or N-oxide thereof.--

~~25. The compound as defined by Claim 24, wherein X is O.--~~

D
--26. the compound as defined by Claim 25, wherein each R is $-\text{CH}(\text{R}_1)-\text{X}-\text{P}(\text{O})(\text{OH})_2$.--

D
D --27. The compound as defined by Claim 27, wherein either R is hydrogen, with the other being $-\text{CH}(\text{R}_1)-\text{X}-\text{P}(\text{O})(\text{OH})_2$.--

B2
contd
--28. The compound as defiend by Claim 26, wherein R₁ is C₁-C₇ straight or branched chain alkyl.--

C
--29. The compound as defined by Claim 27, wherein R₁ is C₁-C₇ straight or branched chain alkyl.--

C
--30. The compound as defined by Claim 35, same being 3-phosphoryloxymethyl diphenylhydantoin.--

R E M A R K S

Entry of the foregoing and re-examination and reconsideration of the subject application, as amended, pursuant to and consistent with 37 C.F.R. §1.112, and in the light of the remarks which follow, are respectfully requested.

First, all of the [1] double patenting, [2] improper Markush claim, [3] 35 USC §112, paragraph 2, [4] 35 USC §112, paragraph 1, and [5] 35 USC §101 rejections of record now are moot, no overlap with the claims of applicants' U.S. Patent No. 4,163,058 presently existing, and all of applicants' claims now being explicitly delimited to the "elected species" per the Examiner's